IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6554 of 2006()

CMP.4133/2006 of J.M.F.C.-I,ATTINGAL
C.R.NO.48/2006 OF CHIRAYINKEEZH EXCISE RANGE.

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PETITIONER/ACCUSED:

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1. JINI, S/O. VARGHESE,
THADATHIL VEEDU, EZHAKKARANADU DESOM,
MANEED VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.

2. BIJO ELIAS, S/O. ELIAS,
VADAKKEVETTIKUZHI VEEDU, EZHAKKARANADU DESOM,
MANEED VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.M.S.MANIKANDAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,
EXCISE RANGE, CHIRAYINKEEZH.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6554 of 2006

Dated this the 6th November, 2006.

O R D E R

Petitioners are accused 1 and 2 in C.R.No.48/2006 of Chirayankeezhu Excise Range, for the offence punishable under Sections 55(a) and 67B of the Abkari Act. They are the driver and cleaner of the lorry, in which 3399 litres of spirit had been transported, having kept in the secret chamber of the lorry. Fourth accused was the owner of the lorry and 3rd accused was the person who entrusted the spirit to accused 1 and 2. It is submitted that accused 3 and 4 are not so far arrested. Both the petitioners were arrested on 8.10.2006, and they remain in judicial custody thereafter. Hence, this application for bail.

2. The prosecution submits that the destination for which the spirit was transported and the person for whom it was brought, is not so far divulged by accused 1 and 2, and other accused had also to be arrested. It is further submitted that the seizure took place at Attingal, Thiruvananthapuram, along with National Highway.

3. The learned counsel appearing for the petitioners submitted that the interrogation of the petitioners are complete, and the investigation is also thus complete in respect of these petitioners. Hence, prayed for bail.

4. Huge quantity of spirit had been transported, as discussed above, storing in secret chambers of the lorry. On going through the facts of this case, I am of the view that granting of bail to the petitioners would adversely affect the further investigation of the matter. Therefore, I am declined to grant bail. Hence, the prayer for bail is rejected.

J.M. JAMES,
JUDGE

nj.